

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, ET AL.,

Plaintiffs,

v.

COX COMMUNICATIONS, INC. AND
COXCOM, LLC.

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**REPLY DECLARATION OF
CESIE C. ALVAREZ IN FURTHER
SUPPORT OF COX'S MOTION TO
EXCLUDE THE TESTIMONY OF
PUTATIVE EXPERT BARBARA
FREDERIKSEN-CROSS**

I, Cesie C. Alvarez, hereby declare:

1. I am an associate at the law firm Winston & Strawn LLP, counsel to Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox") and represent Cox in the above-captioned matter. I submit this Declaration in support of Cox's Reply Motion to Exclude the Testimony of Putative Expert Barbara Frederiksen-Cross. I have personal knowledge of all facts stated in this declaration, unless otherwise stated, and if called upon as a witness, I could and would competently testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the deposition of Slawomir Paszkowski, taken on July 2, 2019, who was designated as MarkMonitor's 30(b)(6) witness on technical topics.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action issued by Cox to MarkMonitor, Inc., on January 7, 2019.

4. Attached hereto as **Exhibit C** is a true and correct copy of the court's March 7,

2019 Order on Cox's Motion to Compel from *Cox Communications, Inc., et al v. MarkMonitor, Inc.*, Case No. 3:19-mc-80050-SK (N.D. Cal.), located as ECF No. 14 on the docket of that case. The Court Ordered MarkMonitor to comply with Cox's document subpoena.

5. Attached hereto as **Exhibit D** is a true and correct copy of a July 12, 2019 email from Diana Hughes Leiden, Cox's counsel, to Andrew Castricone, MarkMonitor's counsel, requesting that MarkMonitor produce the transaction logs and various other documents responsive to Cox's document subpoena.

6. Attached hereto as **Exhibit E** is a true and correct copy of excerpts of the videotaped deposition of Plaintiffs' expert Barbara Frederiksen-Cross, dated June 28, 2019.

7. Attached hereto as **Exhibit F** is a true and correct copy of Exhibit B to the Expert Report of Barbara Frederiksen-Cross, titled "Materials Considered."

8. Attached hereto as **Exhibit G** is a true and correct copy of excerpts from the September 27, 2019 hearing held before U.S. Mag. Judge John F. Anderson in this case on Cox's Motion for Discovery Sanctions and to Preclude the use of MarkMonitor Evidence.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 11th day of October, 2019 in New York, New York.

/s/ Cesie C. Alvarez
Cesie C. Alvarez